

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ANNABEL,

Plaintiff,

No. 14-10244

v.

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

JACK FROST, ET AL.,

Defendants.

ORDER

Plaintiff Robert Annabel has filed a motion for protective order [Doc. #121], in which he seeks an order precluding Defendants “from asserting Plaintiff’s default by failure to attend deposition unless it is supported by video and audio recordings verifying that Plaintiff was both asked to attend and that he refused without good cause.”

Fed.R.Civ.P. 26(c)(1)(C) provides that a party may seek a protective order “prescribing a discovery method other than the one selected by the party seeking discovery.” In this motion and in his previous motion to strike the Defendants’ motion to take his deposition [Doc. #85], Plaintiff accuses Defendants’ counsel of gamesmanship and chicanery in discovery, and suggests that “[s]ince [Defendants] have no factual defense they were scheming to use deposition to fabricate a technical legal default to gain dismissal.” *Motion* [Doc. #121], Pg. ID 1295.

On July 25, 2017, I granted Defendants’ motion to take Plaintiff’s deposition, pursuant to Fed.R.Civ.P. 30(a)(2) [Doc. #106]. In my order denying Plaintiff’s motion to strike [Doc. #108], I noted, “Any defendant, including these Defendants, get[s] to depose a plaintiff. Because Plaintiff is incarcerated, leave of the court is required to take his

deposition.”

The present motion, like many of Plaintiff’s filings, is replete with hyperbole and speculation about defense counsel’s allegedly nefarious motives. Plaintiff has not presented any facts, however, that would commend granting his motion for protective order to require audio and video recording of his deposition. The deposition will be accurately recorded by a court reporter, and there will be a certified transcript of the proceedings. If Plaintiff has any objections during the course of the deposition, he may place those objections on the record.

Plaintiff’s motion for protective order [Doc. #121] is DENIED.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: October 6, 2017

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on October 6, 2017, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen